

Assembly Concurrent Resolution

No. 76

Introduced by Assembly Member Eng
(Coauthors: Assembly Members Furutani, Hayashi, Mendoza, and Swanson)

May 26, 2009

Assembly Concurrent Resolution No. 76—Relative to Day of Inclusion.

LEGISLATIVE COUNSEL'S DIGEST

ACR 76, as introduced, Eng. Day of Inclusion.

This measure would acknowledge December 17 as a “Day of Inclusion” in recognition and appreciation of the priceless contributions of all immigrants to the greatness of the United States and California.

Fiscal committee: no.

- 1 WHEREAS, In 1886, the United States Supreme Court, in Yick
2 Wo v. Hopkins (1886) 118 U.S. 356, 369, stated that “the
3 fourteenth amendment to the constitution... says: ‘Nor shall any
4 state deprive any person of life, liberty, or property without due
5 process of law; nor deny to any person within its jurisdiction the
6 equal protection of the laws.’ These provisions are universal in
7 their application, to all persons within the territorial jurisdiction,
8 without regard to any differences of race, of color, or of
9 nationality”; and
10 WHEREAS, The Burlingame Treaty of 1868, which encouraged
11 the flow of Chinese immigration, was signed into law with the
12 intent to protect Chinese in the United States against discrimination,
13 exploitation, and violence in the United States; and

1 WHEREAS, Chinese immigrants arrived in large numbers and
2 greatly contributed to the advancement and progress of the United
3 States to its position as one of the world's greatest superpowers,
4 through contributions including assisting in building the first
5 transcontinental railway connecting the country from east to west
6 by laying down tracks throughout the dangerous Sierra Nevada
7 mountain terrain, parting the waters to build the vital levees of the
8 California Delta, and establishing California's world-class
9 agriculture and fishing industries; and

10 WHEREAS, The Chinese Exclusion Act of 1882 was the first
11 major law to single out and forbid a specific ethnic group, the
12 Chinese, from immigrating to and becoming naturalized citizens
13 of the United States, and was followed by the Geary Act of 1892,
14 which extended the prohibitions of the Chinese Exclusion Act of
15 1882 and imposed new and onerous requirements on Chinese
16 immigrants; and

17 WHEREAS, In the wake of the Chinese Exclusion Act of 1882
18 and the Geary Act of 1892, additional laws were enacted to
19 perpetuate discrimination and unequal treatment of Chinese and
20 other minority groups, including numerous antimiscegenation laws
21 that prohibited marriage between white women and men of
22 minority background or ancestry; the Alien Land Law of 1913 that
23 prohibited "aliens ineligible for citizenship" from owning land or
24 property; the Cable Act of 1922 that terminated the United States
25 citizenship of any woman who married an alien ineligible for
26 United States citizenship; the Immigration Act of 1924 that limited
27 the number of immigrants who could be admitted from any country
28 and prohibited the immigration of all Asians; and

29 WHEREAS, The Chinese fought against such unequal treatment
30 and filed hundreds of appeals, resulting in 17 cases being brought
31 before the United States Supreme Court, thereby invoking the
32 protections of the 14th Amendment to the Constitution of the
33 United States; and

34 WHEREAS, The Chinese Exclusion Act, passed on May 6,
35 1882, was finally repealed on December 17, 1943, by way of the
36 Magnuson Act, marking a turning point in societal reaction toward
37 immigrants and their common struggle for fairness and equality;
38 and

39 WHEREAS, An abundant list of Chinese Americans have
40 contributed their time, energy, and talents toward the betterment

1 and progress of this nation and all peoples; Jerry Yang (cofounder
2 of Yahoo! Inc.), Charles Wang (founder of Computer Associates,
3 Inc.), and others have founded and led some of this nation's great
4 companies; John Liu Fugh (first Chinese American officer to attain
5 the rank of General in the United States Army), Francis B. Wai
6 (first Chinese American to receive the Medal of Honor), and others
7 have contributed their lives in service to our nation; Tsung-dao
8 Lee (Nobel Prize recipient in Physics), Roger Y. Tsien (Nobel
9 Prize recipient in Chemistry), and others have contributed their
10 great skills and talents to the fields of science and mathematics;
11 Hiram Leong Fong (First Chinese American to be elected as a
12 United States Senator), Thomas Tang (First Chinese American
13 appointed to the Federal Judiciary), and others have led and
14 continue to lead at all levels of government; and

15 WHEREAS, According to data from the 2000 United States
16 Census, immigrant business owners generate \$67 billion of the
17 \$577 billion in United States business income, or approximately
18 12 percent, as estimated by the federal Small Business
19 Administration's Office of Advocacy; and

20 WHEREAS, Chinese Americans share many commonalities
21 with other minority groups within the United States: all reside in
22 the United States in search of opportunities to better their lives
23 and the lives of their families, hope to fulfill their dreams through
24 diligence and hard work, experience prejudice and discrimination
25 from both society and government, and nevertheless succeed in
26 many respects despite much adversity and many stresses and
27 pressures; and

28 WHEREAS, The repeal of the Chinese Exclusion Act of 1882
29 on December 17, 1943, 60 years after its enactment, marks the
30 date when the United States expressed a commitment to break
31 down cultural barriers, appreciate differences, enrich cultural
32 diversity, and further racial, religious, and cultural tolerance; now,
33 therefore, be it

34 *Resolved by the Assembly of the State of California, the Senate*
35 *thereof concurring*, That the Legislature joins all Californians
36 throughout the state in acknowledging December 17 as a "Day of
37 Inclusion" in recognition and appreciation of the priceless
38 contributions of all immigrants to the greatness of the United States
39 and especially to our great state, California; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.